

**Purpose:** This document was developed as guidance for purchasing decisions. It outlines environmental purchasing criteria that apply to all Federal agencies under the Federal Acquisition Regulation (FAR). This document would be useful for people in acquisition planning, contracts and purchasing departments.

A summary of Federal Acquisition Regulation clauses that relate to environmental purchasing is outlined below.

**FAR Part 2 – Definitions**  
**FAR Part 4 - Administrative Matters**  
**FAR Part 7 - Acquisition Planning**  
**FAR Part 11 - Describing Agency Needs**  
**FAR Part 12 - Acquisition of Commercial Items**  
**FAR Part 13 - Simplified Acquisition Procedures**  
**FAR Part 23 - Environmental Considerations**  
**FAR Part 42 - Contract Administration**  
**FAR Part 52 - Solicitation Provisions and Contract Clauses**

### **At FAR Part 2 – Definitions:**

Adds Definitions for:

- Energy-efficient products
- Pollution prevention
- Environmentally preferable
- Recovered material
- Virgin material

### **At FAR Part 4, Administrative Matters:**

- Restates preferences for double-sided printing on recycled paper for all contractor documents.

### **At FAR Part 7, Acquisition Planning:**

- Part 7.103(n) requires Agency heads to ensure “that Agency planners specify needs and develop plans, drawings, work statements, specifications, or other product descriptions promoting the use of environmentally preferable products and services (e.g., promoting energy conservation and the use of recovered material content...)”
- Part 7.105(b)(16) also requires written acquisition plans to: “discuss all applicable environmental and energy conservation objectives associated with the acquisition....”

### **At FAR Part 11, Describing Agency Needs:**

- Agencies must consider use of recovered materials, environmentally preferable purchasing criteria developed by EPA, and environmental objectives when developing specifications and standards describing Government requirements and developing source selection factors.
- Subpart 11.3 addresses the use of recovered materials and used, reconditioned, or remanufactured parts.

**At FAR Part 12, Acquisition of Commercial Items:**

- Part 12.301 (e) (3) states that the contracting officer may use the provisions and clauses contained in Part 23 regarding the use of recovered material when appropriate for the item being acquired.

**At FAR Part 13, Simplified Acquisition Procedures:**

- 13.201(f) clearly states that environmental procurement requirements applies at or below the micro-purchases threshold.

**At FAR Part 23, Environmental Considerations:**

- FAR 23.403 Policy - The Government's policy is to acquire, in a cost-effective manner, items composed of the highest percentage of recovered materials practical, consistent with maintaining a satisfactory level of competition without adversely affecting the performance requirements or exposing suppliers' employees to undue hazards from the recovered material.
- FAR 23.404(b)(3) requires written determinations for acquisition of EPA designated items that do not meet the EPA minimum recovered material standards.
- FAR 23.405 Procedures require that contracting officers refer to EPA's list of designated products and to their agencies affirmative procurement programs when purchasing supplies that contain recovered material or services that could include supplies that contain recovered material.
- FAR 23.704, agencies can purchase cost-effective energy-efficient products even if the first cost is higher than a less efficient product.
- FAR 23.706 adds new requirement for support service contractors at a Government owned or operated facility must develop programs for waste reduction and affirmative procurement.

**At FAR Part 42 Contract Administration:**

- Addresses the environmental concerns that must be incorporated into contract administration functions.

**At FAR Part 52, Solicitation Provisions and Contract Clauses:**

- FAR 52.204-4 requires documents to be printed or copied double-sided on recycled paper
- FAR 52.211-5 applies to non-commercial items and requires disclosure of materials in proposal.
- FAR 52.223-4, Recovered Material Certification, provides for offerors to certify that the products offered meet the minimum content level required in the solicitation.
- FAR 52.223-9 requires estimate of percentage of recovered material content for EPA-designated products for contracts exceeding simplified acquisition threshold and specify use of EPA designated item
- FAR 52.223-10 Waste Reduction Plans
  - Requires contractors to establish a program to promote cost-effective waste reduction in all operations and facilities covered by contract.
  - Applies to Government-owned or leased facilities.